

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re:

BAYOU STEEL BD HOLDINGS, L.L.C., *et al.*,¹
Debtors.

Chapter 7

Case No. 19-12153 (KBO)
(Jointly Administered)

GEORGE L. MILLER, in his capacity as
Chapter 7 Trustee for the jointly administered
bankruptcy estates of Bayou Steel BD
Holdings, L.L.C., *et al.*,

Adv. No. 21-51013 (KBO)

Plaintiff,

v.

BLACK DIAMOND CAPITAL
MANAGEMENT, L.L.C., *et al.*,

Defendants.

**PLAINTIFF'S UNOPPOSED MOTION FOR AUTHORIZATION
TO EXCEED PAGE LIMIT WITH RESPECT TO HIS OMNIBUS
OPPOSITION TO DEFENDANTS' MOTIONS TO DISMISS**

Plaintiff George L. Miller, in his capacity as the Chapter 7 Trustee (“Plaintiff” or the “Trustee”) for the jointly administered bankruptcy estates of Bayou Steel BD Holdings, L.L.C., BD Bayou Steel Investment, and BD LaPlace, LLC (collectively, “Debtors”), by and through his counsel hereby moves this Court for the entry of an order pursuant to Rule 7007-2 of the Local Rules for the United States Bankruptcy Court for the District of Delaware (the “Local Rules”)

¹ The Debtors in these chapter 7 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Bayou Steel BD Holdings, L.L.C. (1984), BD Bayou Steel Investment, LLC (1222), and BD LaPlace, LLC (5783).

authorizing Plaintiff to exceed the page limit requirement for his Omnibus Memorandum of Law in Opposition to Defendants' Motions to Dismiss (the "Omnibus Memorandum"), filed on the date hereof. In support of this Motion, the Plaintiff respectfully represents as follows:

1. On November 11, 2022, Defendants filed two (2) separate Motions to Dismiss. *See* D.I. Nos. 25 & 27.

2. Contemporaneous with the filing of this motion, Plaintiff filed his Omnibus Memorandum, which is 40 pages long. The Omnibus Memorandum sets forth all of Plaintiff's arguments in response to the two pending motions to dismiss.

3. Local Rule 7007-2 provides that no answering brief shall exceed 30 pages in length. *See* Del. Bankr. L. R. 7007-2(a)(iv). However, a brief or memorandum may exceed 30 pages with leave of the Court. *Id.*

4. Granting leave to file the Omnibus Memorandum in excess of 30 pages is reasonable and appropriate under the circumstances. In order to promote efficiency, Plaintiff has filed one Omnibus Memorandum that sets forth many arguments in response to both motions to dismiss. If Plaintiff had filed two separate memoranda in opposition to Defendants' motions to dismiss, the aggregate number of pages of such briefs would exceed 40 pages (and could have been up to 60 total pages of briefing).

5. In order to fully set forth all of Plaintiff's arguments in the Omnibus Memorandum, Plaintiff needs to exceed the 30-page limitation set forth in the Local Rules. Plaintiff has made the Omnibus Memorandum as succinct as possible under the circumstances but cannot provide the Court with the information necessary for a full and fair adjudication of Defendants' motions to dismiss without exceeding the 30-page limit.

6. Defendants will not be disadvantaged if the Omnibus Memorandum exceeds the page limit, as Plaintiff's consolidation of his answering briefs in the Omnibus Memorandum promotes efficiency for the parties and the Court, and has resulted in fewer pages than if he had filed two separate memoranda.

7. Given the circumstances, Plaintiff respectfully submits that there is sufficient justification for the relief requested herein.

8. Defendants do not oppose this Motion.

WHEREFORE, Plaintiff respectfully requests that the Court enter an Order substantially in the form attached hereto as Exhibit A granting Plaintiff's request to exceed the page limitation imposed by Local Rule 7007-2 with respect to the Omnibus Memorandum.

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Dated: January 24, 2022

PACHULSKI STANG ZIEHL & JONES LLP

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